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Mr. Miller

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) Case No. 2:21cr77-WBS  
Plaintiff, )  
vs. ) **STIPULATION AND ORDER TO CONTINUE**  
JAMES DEAN MILLER, ) **STATUS CONFERENCE AND EXCLUDE TIME**  
Defendant. ) Date: August 9, 2021  
 ) Time: 9:00 a.m.  
 ) Judge: Hon. William B. Shubb  
 )  
 )

IT IS HEREBY STIPULATED and agreed by and between Acting United States Attorney Phillip A. Talbert, through Assistant United States Attorney Mira Chernick, counsel for Plaintiff, and Federal Defender Heather Williams, through Assistant Federal Defender Hootan Baigmohammadi, counsel for Defendant James Dean Miller, that the status hearing currently set for August 9, 2021 at 9:00 be continued to October 12, 2021 at 9:00 a.m.

The parties specifically stipulate as follows:

1. By previous order, this matter was set for a status on August 9, 2021 at 9:00 a.m.
2. By stipulation, Mr. Miller now moves to continue the status conference to October 12, 2021 at 9:00 a.m.
3. The government has produced 248 pages of non-contraband discovery and made the seized electronic evidence available for defense inspection.
4. The defense requires additional time to review the discovery, investigate and

1 research possible defenses, research potential pretrial motions, consult with Mr.  
2 Miller, explore potential resolutions to the case, and otherwise prepare for trial.

3 5. Defense counsel believes that failure to grant the requested continuance would  
4 deny him the reasonable time necessary for effective preparation, taking into  
5 account the exercise of due diligence.

6 6. The government does not object to the continuance.

7 7. Therefore, the parties stipulate that the ends of justice served by granting the  
8 continuance outweighs the best interest of the public and Mr. Miller in a speedy  
9 trial, and request the Court so to find.

10 8. For the purpose of computing time under 18 U.S.C. § 3161 *et seq.* (Speedy Trial  
11 Act), the parties request that the time period between August 9, 2021 and October  
12 12, 2021, inclusive, be deemed excludable pursuant to 18 U.S.C. §  
13 3161(h)(7)(B)(iv) (Local Code T4), because it would result from a continuance  
14 granted by the Court at the defense's request, based on a finding that the ends of  
15 justice served by granting the continuance outweighs the best interest of the  
16 public and Mr. Miller in a speedy trial.

17 Respectfully submitted,

18 HEATHER E. WILLIAMS  
19 Federal Defender

20 Date: August 3, 2021

21 /s/ Hootan Baigmohammadi  
HOOTAN BAIGMOHAMMADI  
Assistant Federal Defender  
22 Attorneys for Defendant  
Mr. Miller

23 Date: August 3, 2021

24 PHILLIP A. TALBERT  
United States Attorney

## ORDER

The Court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order. The status conference is reset October 12, 2021 at 9:00 a.m.

IT IS SO ORDERED.

Dated: August 3, 2021

**WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE**

WILLIAM B. SHUBB

**UNITED STATES DISTRICT JUDGE**